## UNITED STATES DISTRICT COURT 1 FOR THE NORTHERN DISTRICT OF OHIO 2 3 ROBERT HUGHES, 4 Plaintiff, Case No.: 5 v. 6 **COMPLAINT AND DEMAND FOR** CREDIT ONE BANK, **JURY TRIAL** 7 Defendant. (Unlawful Debt Collection Practices) 8 9 **COMPLAINT** 10 ROBERT HUGHES ("Plaintiff"), by his attorneys, KIMMEL & SILVERMAN, P.C., 11 12 alleges the following against CREDIT ONE BANK ("Defendant"). 13 14 **INTRODUCTION** 15 1. Plaintiff's Complaint is based on the Telephone Consumer Protection Act, 47 16 U.S.C. § 227 et seq. ("TCPA"). 17 18 **JURISDICTION AND VENUE** 19 2. Jurisdiction of this court arises pursuant to 28 U.S.C. § 1331 grants this court original 20 jurisdiction of all civil actions arising under the laws of the United States. Jurisdiction of this 21 Court arises pursuant to 28 U.S.C. § 1331. See Mims v. Arrow Fin. Services, LLC, 132 S. Ct. 22 740, 747, 181 L. Ed. 2d 881 (2012). 23 24 25

- 3. Defendant conducts business in the State of Ohio, and therefore, personal jurisdiction is established.
  - 4. Venue is proper pursuant to 28 U.S.C. § 1391(b)(2).

## **PARTIES**

- 5. Plaintiff is a natural person residing in Akron, Ohio.
- 6. Plaintiff is a "person" as the term is defined by 47 U.S.C. §153(39).
- 7. Defendant is a corporation with its headquarters located at 585 Pilot Road, Las Vegas, Nevada 89119.
  - 8. Defendant is a "person" as that term is defined by 47 U.S.C. §153(39).
- 9. Defendant acted through its agents, employees, officers, members, directors, heirs, successors, assigns, principals, trustees, sureties, subrogees, representatives, and insurers.

## **FACTUAL ALLEGATIONS**

- 10. Plaintiff has a cellular telephone number.
- 11. Plaintiff has only used this number as a cellular telephone number.
- 12. Beginning in or around late 2014 or early 2015, and continuing through the end of June 2016, Defendant called Plaintiff on his cellular telephone number on a repetitive and continuous basis.
- 13. Defendant's calls originated from multiple telephone numbers, including, but not limited to 866-473-0948, 732-867-2870, 973-796-2481, 716-706-2130, 646-389-5936, and 434-533-9059.
- 14. On average, Defendant would call Plaintiff four or five times a day or more, multiple days a week.

15. When contacting Plaintiff on his cellular telephone, Defendant used an automatic telephone dialing system and automatic and/or prerecorded voice.

- 16. Defendant's calls to Plaintiff usually began with a noticeable delay or silence prior to the call terminating or a representative coming on the line.
  - 17. Defendant's calls were not made for "emergency purposes".
- 18. Plaintiff told Defendant to stop calling in or around June 2015, thereby revoking any consent Defendant may have had or thought it had to call.
  - 19. Defendant acknowledged Plaintiff's request, yet continued to call repeatedly.
- 20. Plaintiff found Defendant's repeated calls stressful, frustrating, annoying, and aggravating.

## COUNT I DEFENDANT VIOLATED THE TELEPHONE CONSUMER PROTECTION ACT

- 21. Plaintiff incorporates the foregoing paragraphs as though they were set forth at length herein.
- 22. Defendant initiated multiple automated calls to Plaintiff's cellular telephone using an automatic telephone dialing system.
  - 23. Defendant's calls were not made for emergency purposes.
- 24. After Plaintiff told Defendant to stop calling, Defendant knew or should have known it did not have consent to call and/or that any consent it thought it had was revoked.
- 25. The acts and/or omissions of Defendant were done unfairly, unlawfully, intentionally, deceptively, fraudulently, knowingly, and absent bona fide error, lawful right, legal defense, legal justification, or legal excuse.
- 26. As a result of the above violations of the TCPA, Plaintiff has suffered the losses and damages set forth below.

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WHEREFORE, Plaintiff, ROBERT HUGHES, respectfully prays for a judgment as	
follows:	
a. All actual damages suffered pursuant to 47 U.S.C. § 227(b)(3)(A);	
b. Statutory damages of \$500.00 per violative telephone call pursuant to 47	
U.S.C. § 227(b)(3)(B);	
c. Treble damages of \$1,5000.00 per violative telephone call pursuant to 47	
U.S.C. § 227(b)(3);	
d. Injunctive relief pursuant to 47 U.S.C. § 227(b)(3); and	
e. Any other relief deemed appropriate by this Honorable Court.	
DEMAND FOR JURY TRIAL	
PLEASE TAKE NOTICE that Plaintiff, ROBERT HUGHES, demands a jury trial in this	
case.	
DATED: March 3, 2017  KIMMEL & SILVERMAN, P.C.  By: _/s/ Amy L. Bennecoff Ginsburg	
Amy L. Bennecoff Ginsburg 30 East Butler Pike	

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